

BOARD OF TRUSTEES OF THE INDIANA PUBLIC RETIREMENT SYSTEM

Resolution No. 2021-05-07

Adopting rules related to the administration of the Fund as described herein.

WHEREAS, the Indiana Public Retirement System exists to provide retirement benefits to its members, their survivors, and beneficiaries;

WHEREAS, the Board of Trustees of the Indiana Public Retirement System, by statute, administers the Fund;

WHEREAS, the Board of Trustees, pursuant to [IC 5-10.5-4-2](#), may establish and amend rules and regulations for the administration of the Fund without adopting a rule under [IC 4-22-2](#);

WHEREAS, the Board of Trustees of the Indiana Public Retirement System wishes to adopt, amend, and/or repeal certain rules contained or to be contained in the Indiana Administrative Code related to the administration of the Fund as described herein; and

WHEREAS, the following adoptions and amendments are effective immediately, unless otherwise stated or covered by law;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Indiana Public Retirement System that:

SECTION 1. [35 IAC 1.2-3-7](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.2-3-7](#) Service credit for injured employees

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2](#); [IC 5-10.3](#)

Sec. 7. Creditable service shall be earned by a member injured during the scope of his ~~the member's~~ employment and paid benefits under the ~~Workmen's~~ **Worker's** Compensation Act or the State Personnel Act; however, no service credit will be used that is earned during the period of time during which PERF disability benefits were paid in the calculation of the PERF disability benefit. However, unless otherwise prohibited by law, such service shall be used to determine retirement benefits if the member becomes eligible for normal retirement. *(Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.2-3-7](#); filed Dec 20, 1988, 1:00 p.m.: 12 IR 1080; readopted filed Oct 31, 2001, 2:18 p.m.: 25 IR 897; adopted Nov 9, 2007: [20071205-IR-035070818ONA](#); adopted Apr 26, 2013: [20130508-IR-035130167ONA](#); adopted May 7, 2021: [20210519-IR-035210173ONA](#))*

SECTION 2. [35 IAC 1.2-5-1.3](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 1.2-5-1.3](#) Suspension and withdrawal of DC without employer separation

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-5](#); [IC 5-10.2-3-6.5](#)

Sec. 1.3. ~~For withdrawals after the effective date of this rule, (a) "Terminated employment with the applicable fund" for purposes of this section only means that a person is no longer serving in a covered position for the applicable fund with any employer and has reached fifty-nine and one-half (59 1/2) years of age.~~

(b) In accordance with Section 905 of the Pension Protection Act of 2006, [IC 5-10.2-3-5](#), and [IC 5-10.2-3-6.5](#), and unless otherwise prohibited by law, a PERF or TRF participant member who

~~(1) is no longer working in PERF or TRF covered service with an employer~~

~~(2) is actively working with the same employer; and~~

~~(3) is working in a non PERF or non TRF covered position;~~

but remains employed with the same employer may suspend and withdraw in a lump sum or a partial distribution the amounts in the member's defined contribution (DC) account, formerly referred to as an annuity savings account (ASA), if the participant member is at least sixty-two (62) **fifty-nine and one-half (59 1/2)** years of age at the time the participant member applies for the withdrawal. ~~For example, Josh has worked in a PERF covered position for four (4) years. Josh is promoted to a non PERF covered position with the same employer.~~

~~When Josh is sixty-two (62) years of age, he may withdraw his DC so long as he is not working in a TRF or PERF covered position and is not age and service eligible to receive a PERF or TRF retirement benefit.~~
(Board of Trustees of the Indiana Public Retirement System; [35 IAC 1.2-5-1.3](#); adopted Mar 6, 2015: [20150318-IR-035150060ONA](#); adopted Sep 11, 2015: [20150923-IR-035150302ONA](#); adopted Sep 14, 2018: [20180919-IR-035180399ONA](#); adopted Dec 13, 2019: [20191225-IR-035190683ONA](#); adopted May 7, 2021: [20210519-IR-035210173ONA](#))

SECTION 3. [35 IAC 2-9-4](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 2-9-4](#) Components of examinations

Authority: [IC 5-10.5-4-2](#); [IC 36-8-8-5](#); [IC 36-8-8-19](#)

Affected: [IC 36-8-8-7](#)

Sec. 4. (a) The first component of the baseline statewide physical examination consists of a comprehensive general medical history. The comprehensive general medical history shall cover the applicant's known health problems, such as major illnesses, surgeries, medication use, and allergies. Symptom review is also important for detecting early signs of disqualifying conditions and excludable conditions. The comprehensive general medical history shall include the following:

- (1) A personal health history.
- (2) A family health history.
- (3) An immunization history.
- (4) A reproductive history.

An occupational history shall also be completed to collect information about the person's past occupational and environmental exposures.

(b) After the examining physician completes the comprehensive medical history, the physician shall conduct a general physical examination of the candidate. Requirements for the baseline statewide physical examination shall be as follows:

- (1) The baseline statewide physical examination is intended to test the following organ systems:

- (A) Dermatological system.
- (B) Ears, eyes, nose, mouth, and throat.
- (C) Cardiovascular system.
- (D) Respiratory system.
- (E) Gastrointestinal system.
- (F) Genitourinary system.
- (G) Endocrine and metabolic systems.
- (H) Musculoskeletal system.

- (2) The baseline statewide physical examination shall include the following tests:

- (A) Vital signs, such as pulse, respiration, blood pressure, and, if indicated, temperature.
- (B) Visual testing, using a Snellen chart or other comparable chart. Vision testing shall also include field of vision testing and color vision testing.
- (C) Audiometric testing. (An audiogram should be performed in a soundproof booth pursuant to the American National Standards Institute (ANSI) standard S3.1-1991 with equipment calibrated to ANSI standard S3.6-1989). If a booth is unavailable, the test room sound pressure levels should not exceed those specified in 29 CFR 1910.95 (July 1, 1992 edition).
- (D) Pulmonary function testing. Only a spirogram that is technically acceptable and demonstrates the best efforts by an individual should be used to calculate the forced vital capacity (FVC) and forced expiratory volume in one (1) second (FEV1).
- (E) Quantiferon test (TB blood test).
- (F) Laboratory testing must include the following:
 - (i) Baseline blood testing, including complete blood count (CBC) and HIV testing.
 - (ii) Biochemical test battery (SMA), including, at a minimum, liver function tests (bilirubin, direct & indirect, SGOT, SGPT, GGT), fasting blood glucose, electrolytes, BUN, creatinine, fasting serum lipids, and test for syphilis.
 - (iii) Routine urinalysis to detect specific illnesses.
 - (iv) Drug abuse testing.
 - (v) Alcohol abuse testing, if indicated.

Additional laboratory testing should be conducted as indicated.

- (G) Chest x-ray. Posterior-anterior (PA) and lateral views required; spine x-rays and other diagnostic imaging, if indicated.

- (H) Twelve (12) lead electrocardiogram (resting) test.

- (I) Treadmill cardiac stress test.
- (J) Each candidate must complete a respirator clearance questionnaire.
- (K) Submax (Bruce protocol) treadmill evaluation.
- (L) Functional movement screening or orthopedic screening, or both.

(c) The local board shall determine the standards for passage of the baseline statewide mental examination. The local board may designate a community health center, a hospital, a licensed physician, or a licensed psychologist to administer the baseline statewide mental examination required under [IC 36-8-8-7](#) and [IC 36-8-8-19](#). The examining physician must have no pre-existing personal relationship with the applicant. The baseline mental examination shall consist of the Minnesota Multiphasic Personality Inventory ~~II~~ **III**. The results of the baseline statewide mental examination shall be interpreted by a licensed physician or a licensed psychologist. (Board of Trustees of the Indiana Public Retirement System; [35 IAC 2-9-4](#); filed May 27, 1993, 12:00 p.m.: 16 IR 2339, eff Jul 1, 1993; filed May 7, 1998, 4:15 p.m.: 21 IR 3332; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898; adopted Nov 9, 2007: [20071205-IR-035070818ONA](#); adopted Feb 19, 2010: [20100310-IR-035100124ONA](#); adopted May 7, 2021: [20210519-IR-035210173ONA](#))

SECTION 4. [35 IAC 14-2-12](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 14-2-12](#) Worker's compensation and sick leave

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-4-3](#)

Sec. 12. (a) Unless otherwise provided in law, ~~and subject to subsections (b) through (d),~~ creditable service shall be earned by a member injured during the scope of his or her ~~the member's~~ employment and paid benefits under the ~~Workmen's~~ **Worker's** Compensation Act or the State Personnel Act; however, no service credit shall be given for a period of time during which TRF or PERF disability benefits were paid.

~~(b) The combination of worker's compensation and sick leave payments made by the employing unit may not exceed the member's basic salary.~~

~~(c) The member must pay to the fund the statutory contributions out of the amounts received pursuant to worker's compensation.~~

~~(d) The employing unit must provide written verification of the facts surrounding the payment of worker's compensation benefits and the amount of the member's basic salary. (Board of Trustees of the Indiana Public Retirement System; [35 IAC 14-2-12](#); filed Oct 5, 1992, 5:00 p.m.: 16 IR 706; readopted filed Dec 3, 2001, 11:02 a.m.: 25 IR 1731; adopted Mar 27, 2007: [20070404-IR-550070200ONA](#); adopted May 7, 2021: [20210519-IR-035210173ONA](#))~~ NOTE: Transferred from the Board of Trustees of the Indiana State Teachers' Retirement Fund ([550 IAC 2-2-9](#)) to the Board of Trustees of the Indiana Public Retirement System ([35 IAC 14-2-12](#)) by P.L.23-2011, SECTION 22, effective July 1, 2011.

SECTION 5. [35 IAC 14-3-1.2](#) IS AMENDED TO READ AS FOLLOWS:

[35 IAC 14-3-1.2](#) Suspension and withdrawal of ASA without employer separation

Authority: [IC 5-10.5-4-2](#)

Affected: [IC 5-10.2-3-5](#); [IC 5-10.2-3-6.5](#); [IC 5-10.3-6](#); [IC 5-10.4](#)

Sec. 1.2. ~~For withdrawals after the effective date of this rule,~~ (a) **"Terminated employment with the applicable fund" for purposes of this section only means that a person is no longer serving in a covered position for the applicable fund with any employer and has reached fifty-nine and one-half (59 1/2) years of age.**

(b) In accordance with Section 905 of the Pension Protection Act of 2006, [IC 5-10.2-3-5](#), [IC 5-10.2-3-6.5](#), and unless otherwise prohibited by law, a PERF or TRF participant **member**, who ~~is not age and service eligible for a retirement benefit, who~~

- ~~(1) is no longer working in PERF or TRF covered service with an employer~~
- ~~(2) is actively working with the same employer; and~~
- ~~(3) is working in a non PERF or non TRF covered position;~~

but remains employed with the same employer may suspend and withdraw the amounts in their the member's ASA pursuant to [IC 5-10.2-3-5](#) and [IC 5-10.2-3-6](#) defined contribution (DC) account, formerly referred to as an annuity savings account (ASA), if the participant member is at least sixty-two (62) fifty-nine

and one-half (59 1/2) years of age at the time the participant **member** applies for the withdrawal. For example, Josh has worked in a PERF covered position for four (4) years. Josh is promoted to a non PERF covered position with the same employer. When Josh is sixty-two (62) years of age, he may withdraw his ASA so long as he is not working in a TRF or PERF covered position and is not age and service eligible to receive a PERF or TRF retirement benefit.

(Board of Trustees of the Indiana Public Retirement System; [35 IAC 14-3-1.2](#); adopted Mar 6, 2015: [20150318-IR-035150060ONA](#); adopted Sep 11, 2015: [20150923-IR-035150302ONA](#); adopted May 7, 2021: [20210519-IR-035210173ONA](#))

DATED: May 7, 2021

Bret Swanson, Chairman
INPRS Board of Trustees
Indiana Public Retirement System

Resolution adopted by 9 affirmative, 0 negative votes.

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